

## **ORDINANCE 2184**

### **ORDINANCE OF THE TOWN OF LOS GATOS AMENDING THE TOWN CODE EFFECTING A ZONE CHANGE FROM C-1, C-2, RC AND RM:5-12 TO C1:PD FOR PROPERTY LOCATED AT 110 and 208 EAST MAIN STREET, 56, 56A, 104 and 108 VILLA AVENUE AND 17 and 25 FIESTA WAY**

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES ORDAIN AS  
FOLLOWS:

#### **SECTION I**

The Town Code of the Town of Los Gatos is hereby amended to change the zoning on property at 110 and 208 E. Main Street, 56, 56A, 104 and 108 Villa Avenue, and 17 and 25 Fiesta Way (Santa Clara County Assessor Parcel Numbers 529-34-024, 025, 064, 090 & 091) as shown on the map attached hereto as Exhibit A, and is part of this Ordinance, from C-1 (Neighborhood Commercial), C-2 (Central Business District), RC (Resource Conservation) and RM:5-12 (Multiple-Family Residential, five to 12 units per acre) to C1:PD (Neighborhood Commercial, Planned Development).

#### **SECTION II**

The PD (Planned Development Overlay) zone established by this Ordinance authorizes the following construction and use of improvements:

1. Demolition of a second unit (56A Villa Avenue), two pre-1941 single-family residences (56 and 104 Villa Avenue) and two additional single-family residences (25 Fiesta Way and 108 Villa Avenue).
2. Relocation of a pre-1941 single-family residence located at 17 Fiesta Way ("17 Fiesta House").
3. Construction of a 30,000 square foot library building.
4. Realignment of Fiesta Way and Villa Avenue to eliminate the intersection while continuing to provide through access.
5. Surface parking lots.
6. Landscaping and other improvements shown and required on the Official Development Plan.

7. Uses permitted are those specified in the C1 (Neighborhood Commercial) zone by Sections 29.60.210 (Permitted Uses) and 29.20.185 (Conditional Uses) of the Zoning Ordinance, as those sections exist at the time of the adoption of this Ordinance, or as they may be amended in the future. However, no use listed in Section 29.20.185 is allowed unless specifically authorized by this Ordinance, or by a Conditional Use Permit

### SECTION III

#### COMPLIANCE WITH OTHER DEVELOPMENT STANDARDS

All provisions of the Town Code apply, except when the Official Development Plan specifically shows otherwise.

### SECTION IV

A Parcel Map and Architecture and Site Approval are required before construction work for the project is performed, whether or not a permit is required for the work and before any permit for construction is issued. Construction permits shall only be in a manner complying with Section 29.80.130 of the Town Code.

### SECTION V

The attached Exhibit A (Map), and Exhibit B (Official Development Plans), are part of the Official Development Plan. The following performance standards must be complied with before issuance of any grading, or construction permits:

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

#### *Planning Division*

1. ARCHITECTURE AND SITE APPROVAL REQUIRED. Separate Architecture and Site (A&S) applications and approvals are required for the library building and relocation of 17 Fiesta House. The Development Review Committee shall be the deciding body for the Architecture and Site applications. The relocation of 17 Fiesta House shall be reviewed by the Historic Preservation Committee as part of the A&S process.

2. OFFICIAL DEVELOPMENT PLANS. The Official Development Plans provided are conceptual in nature. Final building footprints and building design shall be determined during the Architecture and Site approval process. The colors and building materials shown on the Official Development Plan are not approved and shall be reviewed through the Architectural and Site approval process.
3. TILE MOSAICS. The tile mosaics at the foot of the front steps and porch to 56 Villa Avenue shall be saved and incorporated into the landscape or an appropriate area in or around the new library.
4. FINAL LANDSCAPE PLAN. A final landscape plan shall be reviewed and approved as part of the Architecture and Site process. All trees recommended for preservation by the Town's Consulting Arborist shall be saved. Minimum tree size at time of planting shall be 24-inch box, except for the hillside area where trees may be 15-gallon size.
5. WATER CONSERVATION ORDINANCE REQUIREMENT. The proposed landscaping shall meet the Town of Los Gatos Water Conservation Ordinance. A consultant deposit shall be paid when working landscape and irrigation plans are submitted. Plans and specifications shall be reviewed and approved prior to the issuance of a building permit.
6. AIR QUALITY MITIGATION MEASURE 4.7-4 (LEED CERTIFICATION). The new library shall be certified as a green building through the U. S. Green Building Council LEED program. Green building and performance measures shall be incorporated into the project design to meet, at a minimum, LEED silver standards.
7. AIR QUALITY MITIGATION MEASURE 4.7-3. The Town shall implement the BAAQMD recommended Best Management Practices for Greenhouse Gas Emissions where feasible.
8. SETBACKS. The minimum setbacks are those specified by the C-1 zoning district or as otherwise shown on the Conceptual Development Plans.
9. OUTDOOR LIGHTING. All exterior building and outdoor lighting shall be shielded and directed away from neighboring properties to shine on the project site only. Lighting shall be the minimum needed for pedestrian safety and security. Photometrics and lighting specifications shall be reviewed as part of the Architecture and Site process.

10. TREE FENCING. Protective tree fencing shall be placed at the drip line of existing trees and shall remain through all phases of construction. Fencing shall be six foot high cyclone attached to two-inch diameter steel posts drive 18 inches into the ground and spaced no further than 10 feet apart. Include a tree protection fencing plan with the construction plans.
11. TREE REMOVAL PERMIT. A Tree Removal Permit shall be obtained for trees approved for removal prior to the issuance of any permits.
12. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-1a. Focused surveys shall be conducted at the appropriate time of the year in the oak woodland habitat for the two special status plant species having the potential to occur in this habitat.
13. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-1b. If any special status species will be affected by the project, a Special Status Plant Species Mitigation and Monitoring Plan shall be required to avoid, minimize or compensate for the impact.
14. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-3a. New trees shall be planted to mitigate the loss of trees being removed. The number and size shall be determined using the canopy replacement table in the Tree Protection Ordinance and in accordance with the recommendations of the Town's Consulting Arborist.
15. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-3b. All recommendations of the Town's Consulting Arborist shall be followed throughout all phases of construction. Refer to the report prepared by Arbor Resources dated September 1, 2009 for details. Tree protection specifications shall be printed on the construction plans.
16. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-4. Grading activities proposed on the hillside areas of the project site shall include grading and equipment operation measures that minimize potential effects to six hillside trees.
17. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-5a. Demolition of buildings and grading adjacent to the library building site should be conducted outside the nesting season to avoid "take" and/or further evaluate presence or absence of passerines. If not feasible to perform all demolition and grading activities outside of the nesting season, a pre-construction nesting bird survey shall be performed by a qualified biologist.
18. BIOLOGICAL RESOURCES MITGATION MEASURE 4.3-6. A bat habitat assessment shall be conducted by a qualified bat biologist during seasonal periods of bat activity to avoid "take" and/or further evaluate presence or absence of bats.

19. CULTURAL RESOURCES MITIGATION MEASURE 4.9-2a. Documentation of the house at 17 Fiesta Way shall be prepared in accordance with the guidelines established for the Historic American Building Survey.
20. CULTURAL RESOURCES MITIGATION MEASURE 4.9-2b. Relocation of 17 Fiesta House shall meet performance standards for orientation, setting and general environment as specified in the October 8, 2009 Historic Resource Evaluation report prepared by Carey & Company, Inc.
21. CULTURAL RESOURCES MITIGATION MEASURE 4.9-2c. Prior to relocation of 17 Fiesta House a historic preservation architect and a structural engineer shall undertake an Existing Condition Study to establish the baseline condition of the building.
22. CULTURAL RESOURCES MITIGATION MEASURE 4.9-2d. Following relocation of 17 Fiesta House the level of success in meeting the Secretary of Interior's Standards for the Treatment of Historic Properties and in preserving character defining features of the historic resource shall be documented by a qualified architectural historian.
23. SIGNS. Signs shall be consistent with existing Civic Center signs or a sign program shall be created to ensure that future signs are consistent with library signage. Signs shall be approved by the Director of Community Development prior to issuance of any sign permits.
24. FINAL UTILITY LOCATIONS. Plans shall be submitted showing the final locations and screening of all exterior utilities, including but not limited to, backflow preventers, Fire Department connections, transformers, utility boxes and utility meters. Utility devices shall be screened to the satisfaction of the Director of Community Development. The plans shall be submitted for review and approval of the Director of Community Development prior to issuance of building permits for the library building.

*Building Division*

25. PERMITS REQUIRED. A building permit shall be required for the demolition of the existing single family residences and second unit, relocation of 17 Fiesta House, and the construction of the new library building. Separate permits are required for electrical, mechanical, and plumbing work as necessary.

26. CONDITIONS OF APPROVAL. The Conditions of Approval must be blue-lined in full on the cover sheet of the construction plans. A Compliance Memorandum shall be prepared and submitted with the building permit application detailing how the Conditions of Approval will be addressed.
27. STREET NAMES & BUILDING NUMBERS. Requests for new street names and/or building numbers shall be submitted to the Building Division prior to submitting for the building permit application process.
28. SIZE OF PLANS. Provide four sets of construction plans, maximum size 24" x 36."
29. PLANS: The construction plans shall be prepared under the direct supervision of a licensed architect or engineer (Business and Professionals Code Section 5538).
30. NONPOINT SOURCE POLLUTION STANDARDS SHEET: The Town standard Santa Clara County Valley Nonpoint Source Pollution Control Program Sheet (or Clean Bay Sheet 24x36) shall be part of the plan submittal as the second page. The specification sheet is available at the Building Division Service Counter for a fee of \$2 or at San Jose Blue Print for a fee.
31. DEMOLITION REQUIREMENTS. A Building Department Demolition Application and a Bay Area Air Quality Management Application must be obtained. Once the demolition form has been completed, all signatures obtained, and written verification from PG&E that all utilities have been disconnected, return the completed form to the Building Department Service Counter with the J# Certificate, PG&E verification, and three (3) sets of site plans to include all existing structures, existing utility service lines such as water, sewer, and PG&E. No demolition work shall be done without first obtaining a permit from the Town.
32. SOILS REPORT. A soils report, prepared to the satisfaction of the Building Official, containing foundation and retaining wall design recommendations, shall be submitted with the building permit application. This report shall be prepared by a licensed civil engineer specializing in soils mechanics (2007 California Building Code Chapter 18).
33. GEOLOGY AND SOILS MITIGATION MEASURE 4.4-1. Project plans shall demonstrate compliance with 2007 California Building Code requirements for structural and seismic loads and all recommendations made by Pacific Geotechnical Engineering (refer to the PGE report dated April 27, 2009).

34. AIR QUALITY MITIGATION MEASURE 4.7-1. The project shall comply with BAAQMD basic dust and equipment exhaust control measures to minimize short-term emission.
35. SHORING. Shoring plans and calculations will be required for all excavations which exceed four (4) feet in depth or which remove lateral support from any existing building, adjacent property or the public right-of-way. Shoring plans and calculations shall be prepared by a California licensed engineer and shall conform to Cal/OSHA regulations.
36. FOUNDATION INSPECTIONS. A pad certificate prepared by a licensed civil engineer or land surveyor shall be submitted to the project building inspector at foundation inspection. This certificate shall certify compliance with the recommendations as specified in the soils report; and, the building pad elevation, on-site retaining wall locations and elevations are prepared according to approved plans. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer for the following items:
- a. Building pad elevation
  - b. Finish floor elevation
  - c. Foundation corner locations
  - d. Retaining Walls
37. TITLE 24 – COMMERCIAL: The building shall be upgraded to comply with the latest California Title 24 Accessibility Standards. Necessary work shall be first investigated by the design architect, then confirmed by Town staff.
38. BACKWATER VALVE. The scope of this project may require the installation of a sanitary sewer backwater valve per Town Ordinance 6.50.025. Please provide information on the plans if a backwater valve is required and the location of the installation. The Town of Los Gatos Ordinance and West Valley Sanitation District (“WVSD”) requires backwater valves on drainage piping serving fixtures that have flood level rims less than 12-inches above the elevation of the next upstream manhole.
39. SPECIAL INSPECTIONS: When a special inspection is required by California Building Code Section 1701, the architect or engineer of record shall prepare an inspection program that shall be submitted to the Building Official for approval prior to issuance of the building permit. The Town Special Inspection form must be completely filled-out and signed by all requested parties prior to permit issuance.
40. HAZARDOUS FIRE ZONE: The project requires a Class A roof assembly.

41. WILDLAND-URBAN INTERFACE: This project is located in a Wildlife Urban Interface Fire Area and must comply with Chapter 7A of the 2007 California Building Code.
42. DEFENSIBLE SPACE. A Defensible Space/Fire Break Landscape plan prepared by a California licensed architect shall be provided. The plan shall be in conformance with the California Public Resources Code section 4291 and California Government Code section 51182.
43. LANDSCAPE CERTIFICATION. A letter from a California licensed architect certifying that landscaping and vegetation clearance requirements have been completed in compliance with California Public Resources Code section 4291 and California Government Code section 51182 shall be provided prior to final inspection.
44. APPROVALS REQUIRED: The project requires the following departments and agencies approval before issuing a building permit:
  - a. Community Development – Planning Division: Suzanne Davis at 354-6875
  - b. Engineering/Parks & Public Works Department: John Gaylord at 395-3460
  - c. Santa Clara County Fire Department: (408) 378-4010
  - d. West Valley Sanitation District: (408) 378-2407
  - e. Local School District.
  - f. Bay Area Air Quality Management District: (415) 771-6000

TO THE SATISFACTION OF THE DIRECTOR OF PARKS & PUBLIC WORKS:

*Engineering Division*

45. GEOLOGY AND SOILS MITIGATION MEASURE 4.4-3. A standardized engineering solution shall be utilized if the Town chooses to stabilize the slope to minimize the potential for further creep and possible sliding of fill.
46. HYDROLOGY AND WATER QUALITY MITIGATION MEASURE 4.5-1. The proposed detention basin shall be adequately sized to accommodate surface runoff generated from the project's impervious surfaces during the 100-year design storm.
47. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.6-1. A Traffic Control Plan shall be developed and shall include measures such as prohibiting trucks on East Main Street during the school AM and PM peaks and prohibiting trucks from using Villa Avenue or the freeway ramps on Santa Cruz Avenue to access SR17.

48. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.6-2. Advance notification shall be provided to emergency service providers for all closures of Fiesta Way and Villa Avenue.
49. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.6-3. Pedestrian access shall be maintained between the Civic Center and Villa Avenue throughout project construction.
50. TRANSPORTATION AND TRAFFIC MITIGATION MEASURE 4.6-9. The Traffic Control Plan shall be coordinated with scheduled peak truck delivery and haul traffic associated with other approved projects along the project's haul route.
51. GENERAL. All public improvements shall be made according to the latest adopted Town Standard Drawings and the Town Standard Specifications. All work shall conform to the applicable Town ordinances. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours.
52. PUBLIC WORKS INSPECTIONS. The developer or his representative shall notify the Engineering Inspector at least twenty-four (24) hours before starting any work pertaining to on-site drainage facilities, grading or paving, and all work in the Town's right-of-way. Failure to do so will result in rejection of work that went on without inspection.
53. UTILITY COMPANY REVIEW. Letters from the electric, telephone, cable, and trash companies indicating that the proposed improvements and easements are acceptable shall be provided prior to recordation of the final map.
54. WEST VALLEY SANITATION DISTRICT. All applicable sewer connection and treatment plant capacity fees shall be paid either immediately prior to the recordation of any subdivision or tract maps with respect to the subject property or properties, or immediately prior to the issuance of a sewer connection permit, whichever event occurs first – written confirmation of payment of these fees (if applicable) shall be provided prior to map recordation.

55. ABOVE GROUND UTILITIES. The applicant shall submit a 50-percent progress printing to the Town for review of above ground utilities including backflow prevention devices, fire department connections, gas and water meters, off-street valve boxes, hydrants, site lighting, electrical/communication/cable boxes, transformers, and mail boxes. Above ground utilities shall be reviewed and approved by Community Development prior to issuance of any permit.
56. SITE SUPERVISION. The General Contractor shall provide qualified supervision on the job site at all times during construction.
57. GRADING PERMIT. A grading permit is required for site grading and drainage. The grading permit application (with grading plans) shall be made to the Engineering Division of the Parks & Public Works Department located at 41 Miles Avenue. The grading plans shall include final grading, drainage, retaining wall location, driveway, utilities and interim erosion control. Grading plans shall list earthwork quantities and a table of existing and proposed impervious areas. Unless specifically allowed by the Director of Parks and Public Works, the grading permit will be issued concurrently with the building permit. The grading permit is for work outside the building footprint(s). A separate building permit, issued by the Building Department on E. Main Street is needed for grading within the building footprint.
58. SURVEYING CONTROLS. Horizontal and vertical controls shall be set and certified by a licensed surveyor or registered civil engineer qualified to practice land surveying, for the following items:
- a. Retaining wall--top of wall elevations and locations
  - b. Toe and top of cut and fill slopes
59. PAD CERTIFICATION. A letter from a licensed land surveyor shall be provided stating that the building foundation was constructed in accordance with the approved plans shall be provided subsequent to foundation construction and prior to construction on the structure. The pad certification shall address both vertical and horizontal foundation placement.
60. PRECONSTRUCTION MEETING. Prior to issuance of any permit or the commencement of any site work, the general contractor shall:
- a. Along with the project applicant, attend a pre-construction meeting with the Town Engineer to discuss the project conditions of approval, working hours, site maintenance and other construction matters;

- b. Acknowledge in writing that they have read and understand the project conditions of approval, and will make certain that all project sub-contractors have read and understand them prior to commencing work and that a copy of the project conditions of approval will be posted on site at all times during construction.
- 61. RETAINING WALLS. A building permit, issued by the Building Department at 110 E. Main Street, may be required for site retaining walls. Walls are not reviewed or approved by the Engineering Division of Parks and Public Works during the grading permit plan review process.
- 62. SOILS REPORT. One copy of the soils and geologic report shall be submitted with the grading permit application. The soils report shall include specific criteria and standards governing site grading, drainage, pavement design, retaining wall design and erosion control. The reports shall be signed and "wet stamped" by the engineer or geologist, in conformance with section 6735 of the California Business and Professions Code.
- 63. SOILS REVIEW. Prior to issuance of any permit, the applicant's soils engineer shall review the final grading and drainage plans to ensure that designs for foundations, retaining walls, site grading, and site drainage are in accordance with their recommendations and the peer review comments. The applicant's soils engineer's approval shall then be conveyed to the Town either by letter or by signing the plans.
- 64. FINAL PARCEL MAP. A final parcel map shall be recorded. Two copies of the final map shall be submitted to the Engineering Division of the Parks & Public Works Department for review and approval. Submittal shall include closure calculations, title reports and appropriate fee. The map shall be recorded before any permits are issued.
- 65. SOILS ENGINEER CONSTRUCTION OBSERVATION. During construction, all excavations and grading shall be inspected by the applicant's soils engineer prior to placement of concrete and/or backfill so they can verify that the actual conditions are as anticipated in the design-level geotechnical report, and recommend appropriate changes in the recommendations contained in the report, if necessary. The results of the construction observation and testing should be documented in an "as-built" letter/report prepared by the applicants' soils engineer and submitted to Engineering before final release of any occupancy permit is granted.

66. FRONTAGE IMPROVEMENTS. Applicant shall be required to improve the project's public frontage to current Town standards. These improvements may include but not limited to curb, gutter, sidewalk, driveway approaches, curb ramps, traffic signal, street lighting etc.
67. DESIGN CHANGES. The project registered Engineer shall notify the Town Engineer, in writing, at least 72 hours in advance of all differences between the proposed work and the design indicated on the plans. Any proposed changes shall be subject to the approval of the Town before altered work is started. Any approved changes shall be incorporated into the final "as-built" drawings.
68. EROSION CONTROL. Interim and final erosion control plans shall be prepared and submitted to the Engineering Division of the Parks & Public Works Department. A Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the San Francisco Bay Regional Water Quality Control Board for projects disturbing more than one acre. A maximum of two weeks is allowed between clearing of an area and stabilizing/building on an area if grading is allowed during the rainy season. Interim erosion control measures, to be carried out during construction and before installation of the final landscaping shall be included. Interim erosion control method shall include, but are not limited to: silt fences, fiber rolls (with locations and details), erosion control blankets, Town standard seeding specification, filter berms, check dams, retention basins, etc. Provide erosion control measures as needed to protect downstream water quality during winter months. The grading, drainage, erosion control plans and SWPPP shall be in compliance with applicable measures contained in the amended provisions C.3 and C.14 of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit.
69. DUST CONTROL. Blowing dust shall be reduced by timing construction activities so that paving and building construction begin as soon as possible after completion of grading, and by landscaping disturbed soils as soon as possible. Further, water trucks shall be present and in use at the construction site. All portions of the site subject to blowing dust shall be watered as often as deemed necessary by the Town, or a minimum of three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites in order to insure proper control of blowing dust for the duration of the project. Watering on public streets shall not occur. Streets will be cleaned by street sweepers or by hand as often as deemed necessary by the Town Engineer, or at least once a

day. Watering associated with on-site construction activity shall take place between the hours of 8 a.m. and 5 p.m. and shall include at least one late-afternoon watering to minimize the effects of blowing dust. All public streets soiled or littered due to this construction activity shall be cleaned and swept on a daily basis during the workweek to the satisfaction of the Town. Demolition or earthwork activities shall be halted when wind speeds (instantaneous gusts) exceed 25 MPH. All trucks hauling soil, sand, or other loose debris shall be covered.

70. DUST CONTROL (SITES > 4 ACRES). The following measures should be implemented at construction sites greater than four acres in area:
- a. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas as necessary.
  - b. Enclose, cover, water and/or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
  - c. Limit traffic speeds on unpaved roads to 15 mph.
  - d. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
  - e. Replant vegetation in disturbed areas as quickly as possible.
71. CONSTRUCTION MANAGEMENT PLAN. The Applicant shall submit a construction management plan that shall incorporate at a minimum the Earth Movement Plan, Traffic Control Plan, Project Schedule, site security fencing, employee parking, construction staging area, construction trailer, and proposed outhouse locations.
72. STORM WATER MANAGEMENT PLAN. A storm water management plan shall be included with the grading permit application for all Group 1 and Group 2 projects as defined in the amended provisions C.3.d. of Order No. R2-2005-0035 of the amended Santa Clara County NPDES Permit No. CAS029718. The plan shall delineate source control measures and BMP's together with the sizing calculations. The plan shall be certified by a professional pre-qualified by the Town. In the event that storm water measures proposed on the Planning approval differ significantly from those certified on the Building/Grading Permit, the Town may require a modification of the Planning approval prior to release of the Building Permit. The applicant may elect to have the Planning submittal certified to avoid this possibility.

73. SILT AND MUD IN PUBLIC RIGHT-OF-WAY. It is the responsibility of contractor to make sure that all dirt tracked into the public right-of-way is cleaned up on a daily basis. Mud, silt, concrete and other construction debris SHALL NOT be washed into the Town's storm drains.
74. UTILITIES. The developer shall install all new, relocated, or temporarily removed utility services, including telephone, electric power and all other communications lines underground, as required by Town Code section 27.50.015(b). All new utility services shall be placed underground. Underground conduit shall be provided for cable television service. It is the applicant's responsibility to obtain approval of all proposed utility alignments from any and all utility service providers.
75. SIDEWALK REPAIR. The developer shall repair and replace to existing Town standards any sidewalk damaged now or during construction of this project. Sidewalk repair shall match existing color, texture and design, and shall be constructed per Town *Engineering Design Standards*. The limits of sidewalk repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
76. RESTORATION OF PUBLIC IMPROVEMENTS. The developer shall repair or replace all existing improvements not designated for removal that are damaged or removed because of developer's operations. Improvements such as, but not limited to: curbs, gutters, sidewalks, driveways, signs, pavements, raised pavement markers, thermoplastic pavement markings, etc. shall be repaired and replaced to a condition equal to or better than the original condition. Existing improvement to be repaired or replaced shall be at the direction of the Engineering Construction Inspector, and shall comply with all Title 24 Disabled Access provisions. Developer shall request a walk-through with the Engineering Construction Inspector before the start of construction to verify existing conditions.
77. CURB AND GUTTER. The developer shall repair and replace to existing Town standards any curb and gutter damaged now or during construction of this project. New curb and gutter shall be constructed per Town *Engineering Design Standards*. The limits of curb and gutter repair will be determined by the Engineering Construction Inspector during the construction phase of the project.
78. CURB RAMPS. All curb ramp(s) and walkways shall be in compliance with Americans with Disabilities Act ("ADA") standards.

79. AS-BUILT PLANS. After completion of the construction of all work, the original plans shall have all changes (change orders and field changes) clearly marked. The "as-built" plans shall again be signed and "wet-stamped" by the civil engineer who prepared the plans, attesting to the changes. The original "as-built" plans shall be review and approved the Engineering Inspector. A Mylar and AutoCAD disk of the approved "as-built" plans shall be provided to the Town before the Faithful Performance Security or Occupancy Permit is released. The AutoCAD file shall include only the following information and shall conform to the layer naming convention: a) Building Outline, Layer: BLDG-OUTLINE; b) Driveway, Layer: DRIVEWAY; c) Retaining Wall, Layer: RETAINING WALL; d) Property Line, Layer: PROPERTY-LINE; e) Contours, Layer: NEWCONTOUR. All as-built digital files must be on the same coordinate basis as the Town's survey control network and shall be submitted in AutoCAD version 2000 or higher.
80. GOOD HOUSEKEEPING. Good housekeeping practices shall be observed at all times during the course of construction. Superintendence of construction shall be diligently performed by a person or persons authorized to do so at all times during working hours. The storing of goods and/or materials on the sidewalk and/or the street will not be allowed unless a special permit is issued by the Engineering Division. The adjacent public right-of-way shall be kept clear of all job related dirt and debris at the end of the day. Dirt and debris shall not be washed into storm drainage facilities. The storing of goods and materials on the sidewalk and/or the street will not be allowed unless a special permit is issued. The developer's representative in charge shall be at the job site during all working hours. Failure to maintain the public right-of-way according to this condition may result in the Town performing the required maintenance at the developer's expense.
81. SANITARY SEWER BACKWATER VALVE. Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Evidence of West Valley Sanitation District's decision on whether a backwater device is needed shall be provided prior to issuance of a building permit.

82. **SANITARY SEWER LATERAL.** Sanitary sewer laterals are televised by West Valley Sanitation District and approved by the Town of Los Gatos before they are used or reused. Install a sanitary sewer lateral clean-out at the property line.
83. **TRAFFIC CONTROL PLAN.** The general contractor will be required to work with the Engineering Division of the Parks and Public Works Department to develop a traffic control plan - this plan will include, but not be limited to, the following measures:
- a. Construction activities shall be strategically timed and coordinated to minimize traffic disruption for schools, residents, businesses, and special events. The schools located on the haul route shall be contacted to help with the coordination of the trucking operation to minimize traffic disruption.
  - b. As needed, flag persons shall be placed at locations necessary to control one-way traffic flow. All flag persons shall have the capability of communicating with each other to coordinate the operation.
  - c. Prior to construction, advance notification of all affected residents and emergency services shall be made regarding one-way operation or closures, specifying dates and hours of operation.
84. **NEIGHBORHOOD CONSTRUCTION COMMUNICATION PLAN:** The applicant shall initiate a weekly neighborhood e-mail notification program to provide project status updates. The e-mail notices will also be posted on a bulletin board placed in a prominent location along the project perimeter.
85. **COVERED TRUCKS:** All trucks transporting materials to and from the site shall be covered.

**TO THE SATISFACTION OF THE SANTA CLARA COUNTY FIRE DEPARTMENT:**

86. **FIRE HYDRANT(S) REQUIRED.** Provide fire hydrant(s) at locations to be determined jointly by the Fire Department and San Jose Water Company. Hydrant(s) shall have a minimum single flow of 1,000 GPM at 20 psi residual, with spacing not to exceed 500 feet. Prior to applying for building permits, the applicant shall provide civil drawings reflecting all fire hydrants serving the site. The final determination of placement and number of hydrants shall be to the satisfaction of the Fire Department.

87. FIRE LANE MARKINGS REQUIRED. Provide marking in conformance with Fire Department requirements for all roadways within the project. Installations shall conform to Local Government Standards and Fire Department Standard Details and Specifications A-6.
88. AUTOMATIC FIRE SPRINKLER SYSTEM. An approved automatic fire sprinkler system is required for the library building, hydraulically designed per National Fire Protection Association (NFPA) Standard #13. A State of California (C-16) licensed fire protection contractor shall submit plans, calculations a completed permit application and appropriate fees to the Fire Department for review and approval, prior to beginning work.
89. FIRE APPARATUS (ENGINE) ACCESS ROADS. Provide access roadways with a paved all weather surface and a minimum unobstructed width of 20 feet, vertical clearance of 13 feet 6 inches, minimum circulating turning radius of 36 feet outside and 23 feet inside, and a maximum slope of 15%. Installations shall conform with Fire Department Standard Details and Specifications A-1.
90. PREMISE IDENTIFICATION. Approved numbers or addresses shall be placed on all new and buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Numbers shall contrast with their background.
91. PARKING ALONG ROADWAYS. The required fire access road shall not be obstructed in any manner and parking shall not be allowed along roadways less than 28 feet wide. Parking is permitted along one side of roadways 28-35 feet in width. For roadways equal to or greater than 36 feet, parking will be allowed on both sides. Roadways widths shall be measured curb to curb face with parking space based on an eight foot width.
92. ON-SITE PRIVATE FIRE SERVICE MAINS AND/OR HYDRANTS. Installation of private fire service mains and/or hydrants shall conform to National Fire Protection Association (NFPA) Standard #24, and Fire Department Standard Details and Specification W-2. If the supply piping is "combined" (sprinkler system and hydrants). A UL listed four-way FDC shall be provided. A separate installation permit is required from the Fire Department.
93. FIRE DEPARTMENT KEY BOX. The building shall be equipped with a permanently installed emergency access key lock box (knox), conforming to Fire Department Standard Detail and Specification sheet K-1. Access keys shall be provided to the Fire Department at the time of final inspection.

## SECTION VI

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on January 11, 2010, and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on January 19, 2010 and becomes effective 30 days after it is adopted.

### COUNCIL MEMBERS:

AYES: Joe Pirzynski, Steve Rice, Barbara Spector, Mike Wasserman, Mayor Diane McNutt

NAYS:

ABSENT:

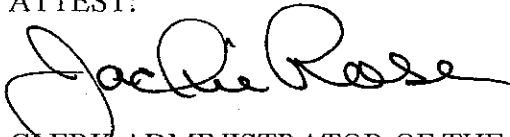
ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA